

### **REMARKS**

Claims 1, 3-5, 7, 8, 10-12, 14, 15, and 17-25 are all of the claims presently pending in the application. Applicants have amended claims 1, 8, and 15 to define the claimed invention more particularly.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 3-5, 7, 8, 10-12, 14, 15, 17, and 21-25 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1, 3-5, 7, 8, 10-12, 14, 15, 17, and 21-25 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 3-5, 7, and 21-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ishikawa (U.S. Patent No. 5,306,322). Claims 8, 10-15, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ishikawa in view of Antos (U.S. 6,289,698).

Applicants respectfully traverse these rejections in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention (as set forth in exemplary claim 1) is directed to a method for sintering a porous-glass material, having a core inside the porous-glass

material, in a furnace to form a glass base material, which is a base material for an optical fiber.

The method includes preparing a ring heater having an opening, the opening having an inner diameter (D), through which the porous-glass material passes, for heating the porous-glass material, preparing the porous-glass material having an outer diameter (d), putting the porous-glass material, formed by performing the preparing the porous-glass material, in the furnace, and heating the porous-glass material in an atmosphere of dehydration gas and inert gas with the ring heater to form the glass base material. The outer diameter (d) of the porous-glass material is within a range of  $0.5 \times D < d < 0.9 \times D$ . An eccentricity of a core inside the glass base material is substantially 0.4 % or less.

Accordingly, the claimed invention is able to ensure uniform vitrification in the radial direction of the porous-glass material (see Application at page 9, lines 30-33).

## II. THE WRITTEN DESCRIPTION REJECTION

The Examiner alleges that the claimed invention of claims 1, 3-5, 7, 8, 10-12, 14, 15, 17, and 21-25 fails to comply with the written description requirement. Specifically, the Examiner alleges that the specification as filed fails to provide support for an “eccentricity error.”

Applicants have amended the claims to remove the phrase “eccentricity error.” Specifically, Applicants have amended the claims to recite “*an eccentricity of a core inside said glass base material is substantially 0.4 % or less.*” Support for this feature of the claimed invention is found at, for example, page 4, lines 5-9 of the specification.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### **III. THE INDEFINITENESS REJECTION**

The Examiner has rejected claims 1, 3-5, 7, 8, 10-12, 14, 15, 17, and 21-25 as being indefinite.

First, the Examiner alleges that the phrase “eccentricity error” is unclear. Applicants have amended the claims to recite “*an eccentricity of a core inside said glass base material is substantially 0.4 % or less.*” The term “eccentricity” is well known to one of ordinary skill in the art to be defined as a ratio of the distance between the centers of the core and clad to the core diameter.

Second, the Examiner alleges that the phrase “a glass base material manufactured,” in the last clause of independent claim 1 is indefinite. Applicants have amended claim 1 to clarify the claimed invention. Specifically, Applicants have amended claim 1 to recite, *inter alia*, “*heating said porous-glass material in an atmosphere of dehydration gas and inert gas with said ring heater to form said glass base material*” and “*wherein an eccentricity of a core inside said glass base material is substantially 0.4 % or less.*” Accordingly, the claimed invention positively recites forming the glass base material.

Finally, the Examiner alleges that the reference to “a glass base material” in claim 8 (and similarly claim 15) renders the claim indefinite. Applicants have amended claims 8 and 15 to clarify the claimed invention. For example, Applicants have amended claim 8 to recite, *inter alia*, “*elongating said glass base material to form said perform*”

and “*wherein an eccentricity of a core inside said glass base material is substantially 0.4 % or less.*”

In view of the above, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

#### **IV. THE PRIOR ART REJECTIONS**

The Examiner alleges that the claimed invention of claims 1, 3-5, 7, and 21-25 would have been obvious in view of Ishikawa. Furthermore, the Examiner alleges that one of ordinary skill in the art would have modified Ishikawa in view of the alleged teachings of Antos to render obvious the claimed invention of claims 8, 10-15, and 17. Applicants respectfully submit, however, Ishikawa, taken alone or in combination with Antos, does not teach or suggest each and every feature of the claimed invention.

That is, Ishikawa, taken alone or in combination with Antos, does not teach or suggest, “*wherein an eccentricity of a core inside said glass base material is substantially 0.4 % or less,*” as recited in exemplary claim 1 and similarly recited in exemplary claims 8 and 15.

Indeed, neither Ishikawa nor Antos even mentions the eccentricity of a core inside the glass base material, let alone teach or suggest the specific feature recited in the claims.

Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

**V. FORMAL MATTERS AND CONCLUSION**

With respect to the objection to the specification, Applicants have amended the claims to remove the phrase "eccentricity error." Therefore, Applicants believe that it is not necessary to amend the specification. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this objection.

In view of the foregoing, Applicants submit that claims 1, 3-5, 7, 8, 10-12, 14, 15, and 17-25, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

July 28, 2011



\_\_\_\_\_  
Scott M. Tulino, Esq.  
Reg. No. 48, 317

Sean M. McGinn, Esq.  
Reg. No. 34, 386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**

8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**